

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED “ZONING AND LAND DEVELOPMENT”, AMENDING ARTICLE VIII ENTITLED “SUPPLEMENTAL REGULATIONS” TO ADD SECTION 24-90.2 ENTITLED SECOND SETS OF COOKING FACILITY, TO ESTABLISH STANDARDS FOR ADDITIONAL KITCHEN WITHIN SINGLE-FAMILY DETACHED RESIDENCES; AMENDING ARTICLE XV, ENTITLED “OTHER DEVELOPMENT REVIEW PROCEDURES,” AMENDING SECTION 24-176.1, ENTITLED “ADMINISTRATIVE WAIVER PROCESS”, AMENDING SUBSECTION“(G)” ENTITLED “CONDITIONS AND SAFEGUARDS”, TO ADD LANGUAGE TO AUTHORIZE ADMINISTRATIVE APPROVAL OF AN ADDITIONAL KITCHEN AREA SUBJECT TO SPECIFIC CONDITIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach is authorized to adopt and amend land development regulations to protect the public health, safety, and welfare and to preserve the character and stability of its residential neighborhoods; and

WHEREAS, Chapter XXIV of the Code of Ordinances establishes the City’s zoning and land development framework, including definitions, permitted accessory uses, supplemental regulations, and administrative development review procedures; and

WHEREAS, the City recognizes a distinction between lawful accessory residential improvements, including outdoor summer kitchens where otherwise permitted by law, and the unlawful creation of a separate dwelling arrangement within a single-family residence; and

WHEREAS, the City Commission finds that a second indoor kitchen or second set of cooking facilities, if not clearly regulated, may facilitate the unauthorized establishment of a hidden apartment, accessory dwelling unit, efficiency, or other separate residential occupancy inconsistent with single-family zoning districts; and

WHEREAS, the City Commission further finds that, in limited circumstances, a second indoor food-preparation area may be appropriate as an accessory feature within a large single-family detached residence, provided that such area remains subordinate and incidental to the principal dwelling and does not function as an independent living unit; and

WHEREAS, the City Commission desires to establish clear standards and procedures for the review and approval of an accessory kitchen area only by administrative approval, only within qualifying single-family detached residences, and only subject to requirements that preserve the residence as one single housekeeping unit; and

WHEREAS, the City Commission intends that such regulations be codified in an orderly and internally consistent manner by amending Article II, Article V, Article VIII, and Article XV of Chapter XXIV so that the definitions, use permissions, supplemental standards, and administrative review procedures are properly cross-referenced and integrated; and

WHEREAS, the City Commission further intends that approval of an accessory kitchen area shall not authorize or legalize a separate dwelling unit, apartment, efficiency, guest apartment, or accessory dwelling unit unless otherwise expressly permitted by the Code; and

WHEREAS, the Mayor and City Commission find that the adoption of these amendments will provide clearer regulatory guidance to residents, applicants, staff, and enforcement personnel, while preserving the integrity of single-family residential districts and preventing unlawful residential conversions; and

WHEREAS, the Mayor and City Commission find that the amendments set forth herein are consistent with the City's authority to regulate land use, are intended to promote uniform administration of Chapter XXIV, and are in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AS FOLLOWS:

Section 1. That the recitals and findings, the foregoing "whereas" clauses are hereby ratified and incorporated herein as the legislative intent of this Ordinance.

Section 2. That Chapter XXIV entitled "Zoning And Land Development", Article VIII entitled "Supplemental Regulations" is hereby amended as follows, with additions shown by underline format and deletions shown by ~~striketrough~~ format:

Sec. 24-90.2.

- A. The planning director may approve a second set of cooking facilities if the residence contains at least 3,600 square feet of unit size and the arrangement of such facilities or conditions at the property shall not result in the creation of an apartment units. No more than one (1) electric meter shall be placed on the property and that portion of the residence having the second set of cooking facilities shall not be rented. The restrictions set forth in this subsection 24-90.2 shall not apply to an accessory dwelling unit (ADU).

B. Definitions.

For the purpose of this section and of enforcing and administering this Code, the following words shall have the definitions and meanings herein ascribed:

Second set of cooking facilities: A secondary indoor combination of kitchen-related fixtures, appliances, or equipment, including but not limited to a sink, range, cooktop, oven, wall oven, microwave, refrigerator, freezer, or similar food-preparation facilities, located within a principal single-family detached residence. A second set of cooking facilities shall be permitted only when not designed as a separate, independent approved as an accessory kitchen area pursuant to this Chapter.

Single housekeeping unit: A residential occupancy arrangement in which the occupants function as one integrated household sharing common living, access, and housekeeping facilities, and which is not

arranged, marketed, leased, or maintained as separate independent living quarters.

- C. In all Residential Districts, a second set of cooking facility, subject to requirements of Section 24-90.2, and pursuant to Section 24-176 (G), may be permitted as a use to a lawful principal single-family detached residence; provided, however, that no such approval shall authorize a separate dwelling unit, apartment, efficiency, guest apartment, or accessory dwelling unit.

D. General Regulations.

1. No second indoor kitchen shall be occupied or be utilized unless the principal structure to which it is accessory is occupied or utilized.
2. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which it is located.
3. All accessory uses and structures shall comply with the site development standards applicable in the zoning district in which they are located, unless specifically authorized otherwise herein.
4. All accessory uses shall be arranged and maintained so as not to encroach into any required front yard setback area.
5. All accessory structures and improvements shall comply with all provisions of the Florida Building Code, as amended.

E. Second kitchen area Requirements

1. A secondary indoor cooking facility area shall not be permitted by right and may be established only upon approval pursuant to Section 24-176.1.
2. An accessory kitchen area may be considered only for a lawful principal single-family detached residence ~~containing a minimum of three thousand six hundred (3,600) square feet of enclosed floor area.~~
3. No more than one (1) additional indoor cooking facility shall be approved within any principal single-family detached residence.
4. The residence shall always remain one single-family dwelling and one single housekeeping unit.
5. Approval of an accessory kitchen area shall not authorize, establish, or imply the existence of a separate dwelling unit, apartment, efficiency, guest apartment, or accessory dwelling unit.
6. The area containing the accessory kitchen area shall remain logically and physically integrated with the principal residence through interior access and shall not be configured in a manner that permits practical independent residential occupancy.

7. The residence shall not contain or maintain, in connection with the accessory kitchen area, features evidencing a separate dwelling arrangement, including but not limited to:
 - a. separate electric, water, or gas meters;
 - b. a separate posted address or unit designation;
 - c. a separate mailbox intended for an independent occupant;
 - d. lock-off arrangements or partitions designed to create separate quarters; or
 - e. separate rental, lease, listing, advertisement, or compensation for occupancy of the area.
8. All building, fire, electrical, mechanical, plumbing, and related permits and inspections shall be obtained as required by law.
9. Nothing in this section shall be construed to modify or expand the regulations applicable to outdoor summer kitchens, which shall remain separately regulated under this Chapter and the Florida Building Code.
10. Any accessory kitchen area established or maintained without approval, or used in violation of the conditions of approval, shall constitute a code violation and may be subject to revocation, enforcement proceedings, permit action, and removal of unapproved improvements.

Section 3. That Chapter XXIV entitled “Zoning And Land Development”, Article XV entitled “Other Development Review Procedures” is hereby amended as follows, with additions shown by underline format and deletions shown by ~~striketrough~~ format:

Sec. 24-176.1 – Administrative Waiver Process.

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(G) Conditions and Safeguards

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(7) procedure for administrative review and approval of a secondary indoor cooking facility within a single family home as expressly authorized by this Chapter.

- (i). the requested accessory kitchen area would create, facilitate, or evidence a separate dwelling

unit, apartment, efficiency, guest apartment, accessory dwelling unit, or other separate residential occupancy arrangement.

(ii). **Accessory Kitchen Area Review Criteria**

The Director or designee may approve an accessory kitchen area only upon finding that:

1. the principal residence contains at least three thousand six hundred (3,600) square feet of enclosed floor area;

1. the property is improved with a lawful principal single-family detached residence;
2. the accessory kitchen area will remain subordinate and incidental to the principal residence;
3. the residence will continue to function as one single housekeeping unit;
4. the accessory kitchen area will not create or facilitate a separate dwelling unit or independent living quarters;
5. all living areas, including the area containing the accessory kitchen area, are logically and physically interconnected through the interior of the home;
6. the residence does not contain, and will not contain, separate utility service, separate addressing, separate mail delivery arrangements, or similar features indicating separate residential occupancy;
7. the area containing the accessory kitchen area will not be rented, leased, licensed, advertised, or otherwise offered as a separate residential unit; and
8. the proposed installation complies with all applicable provisions of this Code and all applicable construction and life-safety codes.

(iii). **Application Requirements**

An application for an accessory kitchen area shall include:

1. a full floor plan of the residence showing all kitchens, bathrooms, bedrooms, entrances, interior access points, and relevant utility arrangements;

2. a written narrative describing the proposed accessory kitchen area and how the residence will remain a single housekeeping unit;
3. an owner affidavit acknowledging that the accessory kitchen area is accessory only, may not be used as a separate dwelling unit, and is subject to enforcement and revocation if so used;
4. any building permit application materials required for construction or installation; and
5. any additional information reasonably requested by the Director or designee to verify compliance.

(iv). **Conditions of Approval.**

The Director or designee may impose reasonable conditions of approval, including but not limited to:

1. recordation of a restrictive covenant or affidavit against the property;
2. removal or modification of design features that facilitate separate occupancy;
3. inspection prior to issuance of final approval;
4. continued compliance with approved plans; and
5. limitations necessary to ensure the residence remains a single-family dwelling.

(v) **Revocation.**

Approval may be revoked upon a finding that:

1. the accessory kitchen area was established contrary to approved plans;
2. the accessory kitchen area is being used or maintained as part of a separate dwelling arrangement;
3. the property contains unapproved separate occupancy indicators; or
4. the applicant or owner failed to comply with any condition of approval.

(vi) **Effect of Approval.**

Approval of an accessory kitchen area shall not:

1. authorize a variance in density or dwelling-unit count;
2. establish a legal nonconforming dwelling unit;
3. confer any right to separate occupancy; or
4. waive any building, fire, electrical, plumbing, mechanical, or life-safety requirement.

Section 4. Codification.

It is the intention of the Mayor and City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

Section 5. Conflicts.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected.

Section 7 Effective Date.

This Ordinance shall become effective immediately upon adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this ____ **day of** _____, **2026**.

ATTEST:

ANDRISE BERNARD, MMC

CITY CLERK

(CITY SEAL)

MICHAEL JOSEPH, ESQ.

MAYOR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____

CITY ATTORNEYS

Sponsored By:

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Vice Mayor Jay R. Chernoff				
Commissioner Phyllis Smith				
Commissioner Daniela Jean				
Commissioner McKenzie Fleurimond				
Commissioner Fortuna Smukler				
Commissioner Lynn Su				